

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TERRI COOPER, *et al.*,

Plaintiffs

v.

C-1-10-271

JENNIFER ERNST,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 20) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by the parties, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 20) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Defendant's Motion to Dismiss (doc. no. 13) is DENIED as to plaintiffs' Fourth Amendment claim brought under 42 U.S.C. § 1983 (First Claim) and plaintiffs' claim for assault and battery brought under Ohio law (Second Claim). Defendant's Motion to Dismiss is GRANTED as to plaintiffs' claims for intentional and negligent infliction of emotional distress (Third Claim).

This case is RECOMMENDED to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court